



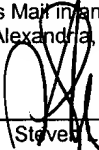
FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701-3271
WWW.FULBRIGHT.COM

SHIGHLANDER@FULBRIGHT.COM
PARTNER
DIRECT DIAL: (512) 536-3184

TELEPHONE: (512) 474-5201
FACSIMILE: (512) 536-4598

August 9, 2004

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
<u>August 9, 2004</u> Date	 Steven L. Highlander

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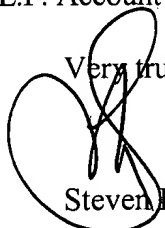
Re: U.S. Serial No. 09/558,472 Entitled: "DIAGNOSIS AND TREATMENT OF MYOCARDIAL FAILURE" by Michael R. Bristow et al.
Our Ref. MYOG:004USD1

Enclosed for filing in the above-referenced patent application is:

1. Notice of Appeal From the Primary Examiner to the Board of Patent Appeals and Interferences;
2. A check for \$165.00 as the fee for the notice of appeal; and
3. A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/MYOG:004USD1/SLH.

Very truly yours,


Steven L. Highlander

SLH/cpj
25442187.1

COMMISSIONER FOR PATENTS

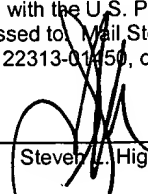
August 9, 2004

Page 2

Encl: As noted



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August 9, 2004 Date	 _____ Steven L. Highlander

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Michael BRISTOW et al.

Serial No.: 09/558,472

Filed: April 25, 2000

For: DIAGNOSIS AND TREATMENT OF
MYOCARDIAL FAILURE

Group Art Unit: 1632

Examiner: T.Ton

Atty. Dkt. No.: MYOG:004USD1/SLH

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop Appeal Brief-Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-01450

Commissioner:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed March 19, 2004, finally rejecting claim 23.

The fee for filing this Notice of Appeal is \$165.00 and is attached hereto.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an

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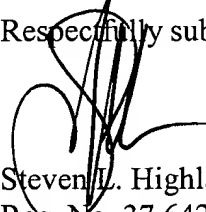
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Respectfully submitted,



Steven L. Highlander
Reg. No. 37,642
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 536-3184

Date: July 28, 2004